

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

JAMES F. JUSTICE,

Plaintiff,

v.

LEE UNIVERSITY,

Defendant.

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NO. _____

NOTICE OF REMOVAL

Defendant Lee University, pursuant to 28 U.S.C. § 1441, submits this Notice of Removal, removing the action currently pending in the Chancery Court of Bradley County, Tennessee. In support of this Notice of Removal, Defendant states:

1. On September 19, 2018, a complaint was filed against Defendant in the Chancery Court of Bradley County, Tennessee, entitled James F. Justice v. Lee University, Case No. 2018-CV-312.

2. On January 15, 2019, a first amended complaint was filed and served, adding a claim under the Americans with Disabilities Act of 1990. Attached hereto as Exhibit A are copies of all process and pleadings heretofore filed in the state court action and served upon Defendant.

3. Pursuant to 28 U.S.C. § 1446(b), Defendant has timely filed this Notice of Removal.

4. This Notice of Removal is based upon 28 U.S.C. § 1441(c), which provides that any civil action of which the district court has original jurisdiction founded on a claim or right

arising under the Constitution, treaties, or laws of the United States shall be removable to the District Court of the United States.

5. This Court has original jurisdiction, herein, pursuant to 28 U.S.C. § 1331, inasmuch as this is a civil action arising under the laws of the United States, *i.e.*, the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 *et seq.* Supplemental jurisdiction may be exercised over the remaining state law claims pursuant to 28 U.S.C. § 1367(a).

6. A notice of removal is being filed simultaneously with the state court and provided to all parties as required by 28 U.S.C. § 1446(d). A copy of such notice is attached as Exhibit B.

WHEREFORE, Defendant respectfully requests that the action now pending against it in the Chancery Court of Bradley County, Tennessee, be removed to this Court pursuant to 28 U.S.C. § 1441, *et seq.*

Respectfully submitted,

MILLER & MARTIN PLLC

By s/ John R. Bode
John R. Bode (BPR No. 11415)
Megan B. Welton (BPR No. 34484)

Suite 1200, Volunteer Building
832 Georgia Avenue
Chattanooga, TN 37402
Phone: (423) 756-6600
Fax: (423) 785-8480
john.bode@millermartin.com
megan.welton@millermartin.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that an exact copy of this pleading has been served upon counsel for all parties in this action by depositing a copy of the same in the U.S. Mail, with sufficient postage affixed thereto to ensure delivery to the following:

Joshua Ward, Esq.
6400 Lee Highway, Suite 101
Chattanooga, TN 37421

This 24th day of January, 2019.

By: s/ John R. Bode